

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

http://www.courts.state.nh.us

Court Name: Merrimack Superior Court

Case Name: Mark Plantier
Plaintiff/Petitioner

v. Brian J. Goodman
Defendant/Respondent

Case Number:
(if known)

PETITION / MOTION FOR EX PARTE ATTACHMENT

The Plaintiff/Petitioner requests permission to make the following attachments without prior notice to the Defendant/Respondent:

Name of Defendant/Respondent	Category of Property to be attached (check one)		Amount of attachment
	Real Estate Provide address or book & page reference. Attach additional pages if necessary.	Other	
Brian J. Goodman	40 Hall St, Concord Bk2015-pg1438	03/05/1996	\$ 90,000.00
Brian J. Goodman	42 Hall St, Concord Bk2412-pg1351	10/15/2002	\$ 90,000.00
			\$

- A. The Plaintiff/Petitioner certifies the following facts to establish a reasonable likelihood that he/she will recover the amount stated above. (Specify facts in detail. Attach additional pages if necessary).

Plaintiff holds 2nd mortgage on realty of Defendant at 72 Hall St (FMV = \$150K) that is being foreclosed upon February 28, 2013. 1st mortgage payoff is \$252K, leaving plaintiff's 2nd mortgage completely unsecured. Plaintiff is suing for deficiency on his 2nd mortgage in Face amount of \$50,000 plus interest at 9% from 4/18/2006 (\$79,835.27 as of 2/25/13) and court and collection costs.

- B. The Plaintiff/Petitioner asserts that such an attachment is justified on the following grounds: (Specify which of the statutory grounds for making an ex parte attachment applies and detail the facts warranting the application of those grounds. Attach additional pages if necessary).

☐ There is substantial danger the property sought to be attached will be damaged, destroyed, concealed, or removed from the state and placed beyond the attachment jurisdiction of the court.

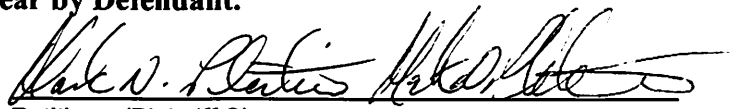
☒ There is imminent danger of transfer to a bona fide third party.

☐ Other:

There is substantial danger that Defendant will transfer or encumber the realty at 40 Hall St, Concord, NH to prevent Plaintiff from attaching it should notice of this proceeding be required. At present 40 Hall St, Concord NH is owned free and clear by Defendant.

2/25/13

Date


Petitioner/Plaintiff Signature
(If petitioner is a corporation or partnership, a duly authorized officer or partner shall sign.)

State of NEW HAMPSHIRE, County of MERRIMACK

This instrument was acknowledged before me on 2/25/13 by MARK PLANTIER

My Commission Expires 8/11/15

Affix Seal, if any


Signature of Notarial Officer / Title

Case Number: _____

PETITION FOR EX PARTE ATTACHMENT

ORDER

- ☐ Petition / motion to attach is denied.
- ☒ Petition / motion to attach is granted. The Plaintiff/Petitioner is granted permission to make the above attachment(s) and shall complete service on the Defendant/Respondent within 30 days.

- ☐ Petition / motion to attach is granted subject to the following modifications:

Date

Judge

NOTICE TO DEFENDANT/RESPONDENT

The court has authorized the above attachment to secure any judgment or decree that the Plaintiff/Petitioner may obtain. You have the right to object in writing, ask for a hearing and request that the attachment be removed. Any objection to this attachment shall be filed in writing within 14 days after service of this notice on you. If you fail to file such a request within the time specified in the order, you will be deemed to have waived your right to a hearing with reference to the attachment, but not with reference to the merits of the Plaintiff/Petitioner's claim.

Date

Clerk of Court